

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ROYAL FOREST CONDOMINIUM)	ED99047
OWNERS' ASSOCIATION,)	
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	11SL-AC14871
)	
DONNA KILGORE)	Honorable Brenda Stith-Loftin
)	
)	
Appellant.)	Filed: December 24, 2013

Donna Kilgore (Kilgore) appeals the trial court's judgment in favor of Royal Forest Condominium Owners' Association (Association) on the Association's claim of unjust enrichment. Kilgore argues the trial court erroneously applied the law because the Association's claim was barred by the applicable statute of limitations.

REVERSED.

Division Four Holds: The evidence showed the alleged damages were capable of ascertainment no later than January 1, 2005. By filing its petition in May of 2011, the Association failed to bring its cause of action for unjust enrichment within the applicable five-year limitations period. Thus, the trial court erroneously applied the law in granting the Association's claim on its merits. We reverse the judgment of the trial court regarding the Association's claim of unjust enrichment, and we vacate the trial court's award of damages and attorney's fees. Accordingly, we enter judgment in favor of Kilgore on the Association's claim of unjust enrichment. Mo. R. Civ. P. 84.14 (2013).

Opinion by: Gary M. Gaertner, Jr., J.
Lisa S. Van Amburg, P.J., and Patricia L. Cohen, J., concurs.

Attorney for Appellant: Richard J. Keyes
Attorneys for Respondent: Frank J. Schmidt, Lisa M. Montano

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
